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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,155	11/25/2003	Masayuki Koshino	245821US90	9641
22850 7590 10/10/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER VIANA DI PRISCO, GERMAN	
			ART UNIT 2619	PAPER NUMBER
			NOTIFICATION DATE 10/10/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/720,155

Applicant(s)

KOSHINO ET AL.

Examiner

German Viana Di Prisco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings were received on July 30, 2007. These drawings are accepted.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1,2, 4, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koistinen (International Publication Number WO 01/86885 A1) in view of Li (United States Patent Application No.: US 2003/0108015 A1).

Consider claims 1,2, and 8 Koistinen shows and discloses a radio access network system and a method for transferring a packet in a network 4, said radio access network including a base station BS and a control apparatus 6 (figure 1, page 7 line 30 – page 8 line 19), configured to manage and control operating of the base station, said radio access network system comprising: a transfer path setter configured to set a transfer path for the packet in the network (inherently taught by the presence of a SGSN)(page 7, lines 32-34), wherein the control apparatus comprises: a priority information setter (classifying device 6 in figure 1 and page 8 lines 14-23) configured to set priority information for determining a priority of the packet to be transferred via the base station and the control apparatus which are included in the transfer path (the classification device 6 assigns a priority based on real time traffic and non real time traffic)(page 9 lines 15-17); and a packet processor configured to determine the priority of a packet received at the control apparatus in accordance with the priority information, and to add the priority to the received (classifying device 6 can determine priority from the incoming packets, for instance the protocol headers, and can generate IP headers

and assign determined DiffServ codepoints to the generated IP headers)(page 13 line 31 – page 14 line 9).

However Koistinen may not explicitly disclose a field information notifier configured to notify field information showing a format of a predetermined field in the packet or that the packet processor adds the priority to a predetermined field received packet in accordance with the field information notified by the field information notifier.

In the same field of endeavor Li discloses a field information notifier (NOC Policy Server 200 in figures 1 and 2) configured to notify field information showing a format (relevant attributes) of a predetermined field (Differentiated Services Code Point) in the packet and adding the priority (traffic handling priority) to a predetermined field in the received packet in accordance with the field information notified by the field information notifier (paragraphs [0031] and [0032]).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a field information notifier configured to notify field information showing a format of a predetermined field in the packet and to add the priority to a predetermined field in the received packet in accordance with the field information notified by the field information notifier to the system of Koistinen in order to map QoS between a UMTS network and an IP network.

Consider claim 4, and as applied to claim 1 above, Koistinen shows and discloses a priority information setter (classifying device 6 in figure 1 and page 8 lines 14-23) configured to set priority information for determining a priority of the packet to be transferred at the base station and the control apparatus which are included in the

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transfer path (the classification device 6 assigns a priority based on real time traffic and non real time traffic)(page 9 lines 15-17).

Consider claim 6, and as applied to claim 1 above, and claim 9 as applied to claim 2 above, Koistinen discloses a packet processor configured to determine the priority of the received packet in accordance with the priority information, and to add the priority to the received packet (classifying device 6 can determine priority from the incoming packets, for instance the protocol headers, and can generate IP headers and assign determined DiffServ codepoints to the generated IP headers)(page 13 line 31 – page 14 line 9).

6. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koistinen (International Publication Number WO 01/86885 A1) in view of Li (United States Patent Application No.: US 2003/0108015 A1) as applied to claim 4 above, and further in view of Haumont et al (International Publication Number WO 00/10357).

Consider claim 7 as applied to claim 4 above, and claim 10 as applied to claim 8 above, Koistinen as modified by Li disclosed the claimed invention but may not explicitly disclosed that the priority information setter is configured to set the priority information in accordance with a flag showing which one of the packet delay characteristics, throughput, reliability or cost takes top priority, the flag being defined in the predetermined field.

In the same field of endeavor Haumont et al disclose setting the priority information in accordance with a flag showing which one of the packet delay characteristics, throughput, reliability or cost takes top priority, the flag being defined in

the predetermined field (GPRS service precedence value) (page 22, line 23 to page 24, line 6).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to set the priority information in accordance with a flag showing which one of the packet delay characteristics, throughput, reliability or cost takes top priority, the flag being defined in the predetermined field as disclose by Haumont et al in the system of Koistinen as modified by Li in order to map QoS parameters used in the mobile communications network to those used in an external communication system and vice versa.

Response to Arguments

7. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new grounds of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to German Viana Di Prisco whose telephone number is (571) 270-1781. The examiner can normally be reached on Monday through Friday 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Vanderpuye can be reached on (571) 272-3078. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

German Viana Di Prisco
October 1, 2007



KENNETH VANDERPUYE
SUPERVISORY PATENT EXAMINER